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CHAPTER 2

CERTIFYING DEATH

GENERAL INFORMATION

Circumstances of death determine who may certify the cause and manner of death. The certifier is responsible for verifying the date of death in Item 3 and completing the medical certification portion of the Texas Certificate of Death, Items 29 - 38. If the death is other than natural, the Medical Examiner and Justice of the Peace must also complete items 39 - 41. The certifier must complete the medical certification not later than five (5) days after receiving the death certificate or provide notification to the funeral director, or person acting as such, explaining the reason for the delay [[HSC 193.005\(b\)\(g\)](#)].

Death certificates must be filed within ten (10) days from the date of death. The funeral director may ask the family for assistance as they are often very effective in expediting the certification

process. If a lengthy investigation is performed, such as an autopsy, the death certificate should be filed "Pending Investigation."

The certifier's degree or title should also be indicated.

If the manner of death is other than natural, the justice of the peace or medical examiner should be called immediately. Physicians should not certify these types of death. A medical examiner should also be called if a death occurs within 24 hours of admission to a hospital (regardless of the manner of death). This provision does not apply to justices of the peace.

Upon receipt of autopsy results, or other information that could change the information in the medical certification on the certificate, the appropriate certifier should immediately amend the certificate. See Chapter 3 for additional information about filing an Amendment to Medical Certification of Certificate of Death.

A registered nurse or physician's assistant may pronounce death if the deceased was not on life support systems and it is permitted under the written policies of the licensed health care facility, institution, or other entity providing services to that person [\[HSC 671.001\(d\)\]](#). However, a registered nurse or physician's assistant may not certify to the cause and manner of death on the death certificate. Only a licensed physician, medical examiner, or justice of the peace may sign as the certifier of cause of death.

Do not confuse pronouncement and certification of death. The individual who pronounces death may not necessarily be the same person that certifies the death.

If the manner of death is natural, the attending physician should be called immediately. If the attending physician may be the personal family physician, he or she may be the best source of information regarding the cause of death in cases where the death is due to natural causes. The personal physician may have knowledge of pre-existing medical conditions. The personal physician may certify the death to the best of my knowledge even if he or she did not pronounce the death or had not seen the patient for some time.

Sometimes, the attending physician does not know why the person died and/or simply refuses to certify the death certificate. The certifier should be assured that the cause of death is his or her best opinion. If additional information becomes available at a later time, a medical amendment can always be filed at no charge. The funeral director may ask for assistance from the family, local registrar, or justice of the peace to expedite certification. If all else fails, the funeral director should call the medical examiner or justice of the peace immediately.

DEATHS CERTIFIED BY THE ATTENDING PHYSICIAN

If the death is by natural causes, the cause of death section of the death certificate should be completed and signed by the physician that was responsible for the care and treatment of the condition or disease process that contributed to the death [\[HSC 193.005\(a\)\]](#). This physician is generally the decedent's primary care physician. He or she is the best source of information regarding the cause of death in cases where death is due to natural causes. The primary care physician may certify the death to the best of his or her knowledge even if he or she did not pronounce the death or had not seen the patient for some time. The primary care physician may also have knowledge of any pre-existing medical conditions.

If the death occurs under hospice care, the deceased's primary care physician may certify the death. However, if the decedent was being treated by a hospice physician for an extended period of time, the hospice doctor should complete the medical certification.

According to the Department of State Health Services Office of General Counsel, an intern who is not a licensed physician, but was the last physician in attendance at the time of death, may sign a death certificate for a death that occurred inside or outside the teaching hospital provided the procedure is within the scope of the hospital's approved training program for the intern.

The physician shall complete the medical certification not later than five (5) days after receiving the death certificate [[HSC 193.005\(b\)](#)]. An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the deceased may complete the medical certification if all of the following conditions are met:

- The attending physician is unavailable.
- The attending physician approves.
- The person completing the medical certification has access to the medical history of the case and the death is due to natural causes [[HSC 193.005\(c\)](#)].

DEATHS CERTIFIED BY THE MEDICAL EXAMINER OR JUSTICE OF THE PEACE

Notify the medical examiner or justice of the peace for an investigation or inquest and cause of death certification if law enforcement or someone else has not already done so if any of the following circumstances exist [[HSC 193.005](#), [CCP Art. 49.04](#), [CCP Art. 49.25 Sec. 6](#)]:

- A body was found and the cause and circumstances of the death are unknown.
- The death is believed to be an unnatural death from a cause other than a legal execution (accident, suicide, or homicide).
- The death occurred in prison or in jail.
- The death occurred within 24 hours of admission to a hospital (refer to a medical examiner only [CCP Art. 49.25 Sec. 6 \(1\)](#)).
- The death occurred without medical attendance.
- The physician is unable or unwilling to certify the cause of death.
- The deceased is under six (6) years of age.

The person conducting an inquest shall complete the medical certification not later than five (5) days after receiving the certificate and submit the record electronically [[HSC 193.005](#)]. The disease or condition(s) that initiated the events leading to death should be indicated on the medical certification. If the death was from external causes, state the means of death and whether the death was accident, suicide, or homicide. Complete other information as needed to properly classify the death [[HSC 193.005\(e\)](#)].

DEATHS CERTIFIED BY THE COUNTY JUDGE

Senate bill 164, signed on May 22, 2001, requires that the county judge be notified regarding a death if a justice of the peace is not available to conduct an inquest. The county judge should be notified only in cases that require an inquest. Under these circumstances, the county judge now has

the authority to sign the death certificate as the certifier only if a justice of the peace is still unavailable [[CCP Art 49.07\(C\)](#), [CCP Art. 49.16](#)].

DEATH OF A CHILD LESS THAN SIX (6) YEARS OF AGE

A medical examiner or justice of the peace notified of the death of a child under age six shall hold an inquest to determine whether the death was unexpected or the result of abuse or neglect. An inquest is not required if the child's death was expected and was due to a congenital or neoplastic disease. A death caused by an infectious disease may be considered an expected death if the following conditions are met:

- the disease was not acquired as a result of trauma or poisoning;
- the infectious organism is identified using standard medical procedures; and
- the death is not reportable to Texas Department of Health under [Chapter 81, Health and Safety Code](#) [[Family Code\(FC\) ;264.514\(a\)](#)].

Deaths to children less than six (6) years of age are reported to the medical examiner or justice of the peace [[Family Code \(FC\) 264.513](#)].

UNIDENTIFIED PERSONS

The justice of the peace investigating the death of a person whose body is found, and the cause or circumstances of death are unknown, shall report the death to the Missing Children and Missing Persons Information Clearinghouse of the Department of Public Safety and the National Crime Information Center within ten (10) working days [[CCP Art. 49.04\(d\)](#)]. The report should be made even if the body is identified.

The physician who performs a postmortem examination on the body of an unidentified person shall complete and file a death certificate. The physician shall note on the certificate the name of the law enforcement agency that submitted the body for examination along with the case number. A copy of the certificate should be sent to the Missing Children and Missing Persons Information Clearinghouse within ten (10) days of the date the physician files the certificate.

IF REMAINS ARE FOUND

A current death certificate can be only filed within one year of the approximated date of death. If a current death certificate form is utilized, list "date found" as the date of death. If the death occurred over one (1) year before the remains were found, a Court-Ordered Delayed Certificate of Death should be filed.

MISSING OR UNRECOGNIZABLE REMAINS

Before any certificate can be filed, the person must be declared dead by a District Court in Texas. VSU is not aware of any statute that specifies a time period to wait before having someone declared legally dead. The District Judge makes the determination based on the evidence presented to the court. If a court order is obtained, a Court-Ordered Delayed Certificate of Death must be presented to the County Probate Court Judge in duplicate. The date of death on these types of forms may be

completed to show "Presumed" or "Declared" dead with the date the judge determines to be the date of death. Once the Court-Ordered Delayed Certificates of Death are signed by the judge, one copy should be filed with the county clerk and the other copy with State VSU.

CONFIDENTIALITY OF INFORMATION

The fact of death (name, date, place) of an individual is public knowledge; however, the death certificate is not. A death certificate is a confidential record for the first 25 years after the date of death and may be released only to a properly qualified applicant [[HSC 191.051](#); [GC 552.115](#)].

PENALTIES

It is a Class A misdemeanor for a person to knowingly reveal or induce another to reveal confidential information from a death or fetal death certificate. It is a Class C misdemeanor for a person to refuse or fail to furnish any information in the person's possession affecting a death certificate. It is also a Class C misdemeanor for a person to fail, neglect, or refuse to fill out and file a death, or fetal death certificate, with the local registrar or deliver the certificate upon request to the person with the duty to file it. It is a third degree felony to falsely obtain, use, or alter a certificate of death with a fine of up to \$10,000 and 2-10 years in prison [[HSC §195.005](#)].

INSTRUCTIONS FOR COMPLETING A CERTIFICATE OF DEATH

GENERAL INSTRUCTIONS FOR DEATH CERTIFICATES

Complete only one Certificate of Death and file it with the appropriate local registrar. Entering a duplicate record for correction into Texas Electronic Death Registration is not acceptable. Texas Electronic Death Registration will print the death certificate with the most current form, VS-112 (Revised 1/2006), designated by the Texas Department of Health, Vital Statistics Unit (VSU).

The death certificate must be filed electronically, as specified by the state registrar, by the person in charge of interment or disposition, or by the person in charge of removing the body from the registration district for disposition [\[HSC 193.002\]](#). In Addition the person completing the medical certification shall submit the information and attest to its validity using by electronic process specified by the state registrar.[\[HSC 193.005\(h\)\]](#). This electronic processes is Texas Electronic Death Registration

Complete each item following the specific instructions for that item. Do not leave a space blank unless specifically instructed to do so. If the record has been dropped to paper, avoid using correction fluid, make alterations, erasures, or strike-overs. Obvious changes affect the validity of a certificate. Altered certificates may be rejected by the local registrar or VSU [\[HSC 191.027, HSC 191.031\]](#) Avoid abbreviations except for those suggested in the item-by-item specific instructions. Verify the spelling of all names and numbers with the informant.

Detailed instructions for certifying the cause of death may be found in the Handbook on Medical Certification of Cause and Manner of Death. Refer problems not covered in these instructions to VSU or your local registrar. .

DEATH CERTIFICATE PAPER SPECIFICATIONS

There must be at least a 3/4 inch margin from the top of the paper to the top line of the form. This margin is required for VSU to record the state file number on the death certificate.